

SANTA BARBARA COUNTY PLANNING COMMISSION
Staff Report for the Frampton Lot Line Adjustment and Recorded Map Modification



Hearing Date: June 3, 2020
Staff Report Date: May 14, 2020
Case No.: 19LLA-00000-00003 & 19RMM-00000-00001
Environmental Document: 20NGD-00000-00004

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The site is identified as Assessor Parcel Nos. 155-230-017 and -018, located at 785 and 805 Toro Canyon Road, in the Toro Canyon area, First Supervisorial District.

1.0 REQUEST

Hearing on the request by Kevin Frampton, property owner, to consider the following:

- Case No. 19LLA-00000-00003 [application filed on March 12, 2019] for approval of a Lot Line Adjustment (LLA) in compliance with Section 21-90 of County Code Chapter 21 and Section 35.30.110 of the County Land Use and Development Code to adjust lines between two lots of 2.0 and 10.67 acres, respectively (sizes of lots would not change) on property zoned 10-E-1;
- Case No. 19RMM-00000-00001 [application filed on March 12, 2019] for a Recorded Map Modification (RMM) to modify Tentative Parcel Map 14,534 in compliance with Section 21-15.9 of Chapter 21 Land Division on property zoned 10-E-1 to modify the existing building and development envelopes on the property; and
- Adopt the Mitigated Negative Declaration (MND) 20NGD-00000-00004 pursuant to the State Guidelines for Implementation of the California Environmental Quality Act. As a result of

this project, significant but mitigable effects on the environment are anticipated in the following categories: biological resources, geologic processes, noise, aesthetic/visual resources, fire protection, and water resources/flooding.

The application involves Assessor Parcel Nos. 155-230-017 and -018, located at 785 and 805 Toro Canyon Road, in the Toro Canyon area, First Supervisorial District. The MND and all documents may be reviewed online at <https://cosantabarbara.app.box.com/s/o9fp2865sykaqn98s0702plaa96xj7t5/folder/107199396874>.

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and conditionally approve Case Nos. 19LLA-00000-00003 and 19RMM-00000-00001 marked "Officially Accepted, County of Santa Barbara (June 3, 2020) County Planning Commission Attachments A-D", based upon the project's consistency with the Comprehensive Plan, including the Toro Canyon Plan, and based on the ability to make the required findings.

Your Commission's motion should include the following:

1. Make the required findings for approval of the project specified in Attachment A of this staff report, including CEQA findings.
2. Adopt the Mitigated Negative Declaration (20NGD-00000-00004) and adopt the mitigation monitoring program contained in the conditions of approval.
3. Approve the project (Case Nos. 19LLA-00000-00003 & 19RMM-00000-00001) subject to the conditions included as Attachment B.

Refer back to staff if the County Planning Commission takes other than the recommended action for appropriate findings and conditions.

3.0 JURISDICTION

Pursuant to Chapter 21 (Land Division) Section 21-6(a)(3), the decision-maker for the Lot Line Adjustment shall be the Zoning Administrator since the parcels are located within an inner rural area as defined by the Comprehensive Plan and the Lot Line Adjustment results in four or fewer parcels. The original Tentative Parcel Map that created these parcels (TPM 14,534) was approved by the County Planning Commission since it was not exempt from environmental review and required a Negative Declaration. Therefore, pursuant to Section 21-6(a)(4), modifications to approved Tentative Maps that are under the jurisdiction of the Planning Commission shall be similarly under the Planning

Commission’s jurisdiction. Section 21-6(c) requires that multiple projects that fall under the separate jurisdiction of more than one decision maker shall be heard by the decision maker with the higher jurisdiction. Therefore, the Recorded Map Modification in conjunction with the Lot Line Adjustment shall be reviewed by the County Planning Commission.

4.0 ISSUE SUMMARY

The subject parcels were created via Tentative Parcel Map 14,534 [approved May 23, 2001 by the County Planning Commission], which subdivided one 12.72-acre parcel into two parcels of 2.0 acres (Parcel 1) and 10.72 acres (Parcel 2), respectively, with building/development envelopes recorded on each parcel. The parcels are currently vacant. The project proposes to adjust the lot lines and building/development envelopes between the two parcels; no structural development is proposed as part of this project. The size of the lots would not change, but the lot lines and building/development envelopes would change. Both lots are zoned 10-E-1. Lot 1 is currently legal non-conforming due to a parcel size of 2 acres and the zone requires a minimum lot size of 10 acres, however Lot 1 would remain legal non-conforming as a result of the Lot Line Adjustment.

SBAR reviewed a conceptual residential development proposal on August 24, 2007. The SBAR had concerns about the massing and close proximity of the two parcels and respective building/development envelopes. SBAR supported moving the envelopes away from each other due to the potential cumulative impact of having two residences so close together in a semi-rural area. Consistent with this prior direction, the proposed LLA and RMM aims to separate future residential development on both properties to better fit the semi-rural residential character of the area. The modified building/development envelopes would remain in the same general location on their respective parcels. The modified building/development envelopes have also been designed to avoid slopes in excess of 30%. The building/development envelopes are expanding in size (see Table 1 below), however, the majority of the slopes within the modified building/development envelopes are less than 20% in compliance with the policies of the Toro Canyon Plan and Comprehensive Plan which prohibit development on steep slopes.

Table 1		
	Existing	Proposed
Lot 1 (2 acres) building/development envelope	0.29/0.04 acres	0.45/0.28 acres
Lot 2 (10.67 acres) building/development envelope	0.37/0.12 acres	0.60/0.40 acres

A Mitigated Negative Declaration was prepared to evaluate the potential environmental impacts of the proposed LLA and RMM, which focused on the potential effects associated with future residential development within the modified building/development envelopes. Significant but

mitigable impacts were identified in several issue areas, primarily as it relates to future residential development on the two lots, and mitigation measures have been incorporated as conditions of approval to reduce these impacts to less than significant levels. A full discussion of the environmental analysis is included in Section 6.1 and the Mitigated Negative Declaration (Attachment C).

5.0 PROJECT INFORMATION

5.1 Site Information

Site Information	
Comprehensive Plan Designation	SRR-0.1 Semi Rural Residential with a 10-acre minimum lot size.
Ordinance, Zone	Land Use & Development Code, 10-E-1 (10-acre minimum lot size) Environmentally Sensitive Habitat (ESH) Overlay
Site Size	Lot A (APN 155-230-017): 2 acres gross, 1.94 net Lot B (APN 155-230-018): 10.67 acres gross, 10.34 net
Present Use & Development	Vacant
Surrounding Uses/Zone(s)	North: Residential, 10-E-1 South: Residential, 10-E-1 East: Vacant, RR-20 West: Residential, 10-E-1
Access	Toro Canyon Road via two existing unpaved driveways
Public Services	Water Supply: Montecito Water District Sewage: Private onsite wastewater treatment systems Fire: Carpinteria-Summerland Fire Protection District Police Services: County Sheriff

5.2 Setting

The site is currently vacant. A single family dwelling built in the 1890s and substantially altered in the 1970s and 1980s by the previous owners of the property was demolished in May 2004. The nearby lots in the vicinity of the subject lots are developed with single family dwellings constructed on hillsides that flank the branches of Toro Canyon Creek.

The two undeveloped lots are located on Toro Canyon Road approximately half a mile northeast of its intersection with East Valley Road in the foothills of the south slope of the Santa Ynez Mountains and in the upper watershed of Toro Canyon Creek at an elevation of approximately 845 feet above sea level. Most of the property is characterized by steep slopes and the current building/development

envelopes are in an area of the site with less than a 20 percent slope gradient. Toro Canyon Creek and its associated riparian vegetation runs along the east side of Toro Canyon Road, opposite the lots. No substantial geologic hazards have been identified within the area of the property proposed for future development.

Two plant communities are predominant on the subject lots: non-native annual grassland and coastal sage scrub, along with small patches of native grassland and numerous native and non-native trees (coast live oak, eucalyptus, and ornamental trees). Vegetation present within the Envelopes consists primarily of weedy, non-native annual grassland. The 100-foot Fire Fuel Management Zones (FFMZ) on both lots extend into areas characterized as eucalyptus woodland with ruderal non-native grasses understory interspersed with coastal sage scrub vegetation that, although disturbed by previous road grading and tree removal, retains a high level of biological diversity that provides habitat for a number of special-status plants and animals.

There is no designated Environmentally Sensitive Habitat within the area to be disturbed as part of the proposed project. However, ESH exists within the Fire Fuel Management Zones and elsewhere outside of the proposed building/development envelopes on the parcels.

A Phase I archeological survey of the site was conducted and no cultural resources were discovered on the site (David Stone and Dustin Kay, March 1999). The nearest identified cultural resource site exists within half a mile of the property.

5.3 Description

The proposed project is a request for a Lot Line Adjustment (LLA) and Recorded Map Modification (RMM) to adjust the property lines and modify the building/development envelopes between two lots for future residential development. No structural development is currently proposed. The size of the lots would not change from 2.0 and 10.67 acres, respectively, but the lot lines and building/development envelopes would change.

The building envelopes identify the location of future structures, construction storage and staging, while allowing other uses such as grading, utilities, paving, etc. to occur outside the building envelopes. The development envelopes identify the location of site preparation, ground disturbances and construction activities including those for structures, access, easements, subsurface grading, sewage disposal, and drainage components. No ground disturbance, including grading and development, is allowed outside the development envelopes.

The existing and proposed building/development envelopes are in the same general location on the parcels and the envelopes have been designed to avoid slopes in excess of 30% while the majority of the slopes within the envelopes are less than 20% in compliance with the policies of the Toro Canyon Plan and Comprehensive Plan. No services are required for the LLA and RMM. Future development

of the lots would be served by the Montecito Water District, private onsite wastewater treatment systems, and the Carpinteria-Summerland Fire Protection District. Access to the site would be provided from Toro Canyon Road via two existing unpaved driveways. The properties involved are both zoned 10-E-1 and shown as Assessor's Parcel Numbers 155-230-017 and -018 located at 785 and 805 Toro Canyon Road, in the Toro Canyon Area, First Supervisorial District.

5.4 Background Information

Parcel Map 14,534, a two-parcel subdivision creating parcels of 2 acres and 10.67 acres, respectively, with building/development envelopes on each parcel, was approved by the County Planning Commission on May 23, 2001. At that time, the property had a General Plan Land Use designation of "Residential" and a zoning designation of 1-E-1 (1-acre minimum parcel size) and 3-E-1 (3-acre minimum parcel size).

In February 2002, the Board of Supervisors adopted the Toro Canyon Plan, in which land use and zoning designations, and the policies and development standards associated with those designations, were modified. The Land Use designation was amended to "SRR-0.1" (semi-rural residential, 10-acre minimum parcel size) and the parcels rezoned to "10-E-1" (10-acre minimum parcel size), causing one of the lots to become legal non-conforming to parcel size since the 2-acre lot was smaller than the 10-acre minimum parcel size.

6.0 PROJECT ANALYSIS

6.1 Environmental Review

A Mitigated Negative Declaration (MND) (20NGD-00000-00004) was prepared for the project pursuant to Section 15070 of the State Guidelines for the implementation of the California Environmental Quality Act and the County of Santa Barbara Environmental Guidelines.

The analysis focused on the potential effects associated with future residential development within the modified building and development envelopes which would allow future development in previously prohibited areas. The Mitigated Negative Declaration found that the project would have significant but mitigable impacts in the following issue areas: biological resources, geologic processes, noise, aesthetic/visual resources, fire protection, and water resources/flooding. Mitigation measures applied to the project would ensure that future residential development of the two lots would not result in any significant impacts. These measures include various biological resource protection measures such as pre-construction surveys, fencing of sensitive native vegetation, and implementing a fuel management plan that ensures the protection of native habitat. Additional measures include mapping species occurrence on work plans, delimiting work areas, avoiding sensitive plant species during fire fuel management activities, delineating fire fuel

management zones, conducting pre-construction nesting surveys, implementing an erosion and sediment control plan and other Best Management Practices during future development, and design considerations such as requiring Board of Architectural Review and selecting fully hooded and shielded lighting fixtures.

The Draft MND was circulated for public review and comment from March 17 to April 15, 2020. The Draft MND was distributed to neighboring residents, County departments, State agencies and local organizations including CA Department of Fish & Wildlife, California Air Resources Board, Environmental Defense Center, and multiple Chumash and Native American representatives. The only comment received on the environmental document was from the Native American Heritage Commission. The proposed Final MND includes minor revisions to provide clarification in response to this comment letter and is included as Attachment C to this staff report.

6.2 Comprehensive Plan Consistency

REQUIREMENT	DISCUSSION
Services	
<p>Land Use Element Land Use Development Policy 4: <i>Prior to issuance of a development permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (i.e. water, sewer, roads, etc.) are available to serve the proposed development. The applicant shall assume full responsibility for costs incurred in service extensions or improvements that are required as a result of the proposed project. Lack of available public or private services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the land use plan.</i></p>	<p>Consistent: Adequate services are available to serve future development on both parcels within their respective modified building/development envelopes. Montecito Water District has water meters connected for both parcels. Wastewater disposal is proposed by means of onsite wastewater treatment systems, which has been found feasible, and would be further evaluated when development is proposed in the future. The Carpinteria-Summerland Fire Protection District has reviewed the project and issued a no conditions letter dated April 29, 2019. Access would continue to be provided off of Toro Canyon Road. Therefore, the project is consistent with this policy.</p>
<p>Land Use Element Land Use Development Policy 7: <i>Lot Line Adjustments involving legal, non-conforming parcels as to size may be found consistent with the Comprehensive Plan if:</i></p>	<p>Consistent: The project is consistent with this policy, as the LLA involves two parcels and neither of the parcels involved would become non-conforming as a result of this project.</p>

<p><i>a. No parcel involved in the Lot Line Adjustment that is conforming as to size prior to the adjustment shall become non-conforming as to size as a result of the adjustment; and,</i></p> <p><i>Except as provided herein, all parcels resulting from the Lot Line Adjustment shall meet the minimum parcel size requirement of the zone district in which the parcel is located. A Lot Line Adjustment may be approved that results in nonconforming (as to size) parcels provided that it complies with subsection a or b listed below:</i></p> <p><i>a. The Lot Line Adjustment satisfies all of the following requirements:</i></p> <p><i>i. Four or fewer existing parcels are involved in the adjustment; and,</i></p> <p><i>ii. The Lot Line Adjustment shall not result in increased subdivision potential for any affected parcel; and,</i></p> <p><i>iii. The Lot Line Adjustment shall not result in a greater number of residential developable parcels than existed prior to the adjustment.</i></p>	<p>The subject lots are zoned 10-E-1, which has a minimum parcel size of 10 acres. Lot 1 is 2 acres and Lot 2 is 10.67 acres, and both will remain the same size as a result of this project. Lot 1 is nonconforming in size as it does not meet the 10-acre minimum parcel size requirement of the 10-E-1 zone. Since both lots will remain the same size and Lot 1 is already nonconforming, the adjustment would not increase in the subdivision potential for either affected parcel, nor result in a greater number of developable parcels beyond that which is currently available under the existing two-lot scenario.</p>
<p>Fire Protection</p>	
<p>Toro Canyon Plan Policy FIRE-TC-2: <i>Fire hazards in the Toro Canyon Planning Area shall be minimized in order to reduce the cost of/need for increased fire protection services while protecting the natural resources in undeveloped areas.</i></p> <p>Toro Canyon Plan DevStd FIRE-TC-2.2: <i>Development shall be sited to minimize exposure to fire hazards and reduce the need for grading and clearance of native vegetation to the maximum extent feasible. Building sites should be located in areas of a parcel's lowest fire hazard, and should minimize the need for</i></p>	<p>Consistent: The project, which consists of a LLA and RMM to adjust the existing lot lines and building/development envelopes, will not result in the need for additional fire protection services. Therefore, the project is consistent with these policies. Carpinteria-Summerland Fire Protection District reviewed the project and requires no conditions except for new property addressing (Ed Foster, letter dated April 29, 2019). The proposed project does not increase the number of residential lots and no development is proposed at this time. Future residential development of the two lots would be required to comply with Fire District and</p>

<p><i>long and/or steep access roads and/or driveways. Properties subject to high fire hazards requiring fuel breaks to protect the proposed structures shall use the Fuel Management Guidelines to establish fuel management zone(s) on the property (see Appendix D).</i></p>	<p>Building Code requirements commonly applied to all new development in high fire hazard areas, including with respect to adequate access, construction with the use of fire resistant building materials and sprinkler systems, maintenance of defensible space requirements, and adequate water pressure and infrastructure (e.g. hydrants) for firefighting purposes. The proposed Lot Line Adjustment and Recorded Map Modification would alter the lot lines and building/development envelopes on the parcels within the same general vicinity as they currently exist near Toro Canyon Road and are configured to reduce the need for long and/or steep access roads and/or driveways. Access to the building/development envelopes would be provided by existing unpaved driveways that are proposed to be paved. The modification of the envelopes would not increase future development's exposure to fire hazards nor would it significantly increase the need for grading and clearance of native vegetation. The expanded envelopes are configured such that slopes greater than a 30% gradient are avoided and the proposed fire fuel management and habitat restoration plan (Attachment B-1 Condition No. 11) has specific requirements for protecting the coastal sage scrub, native grassland, and oak trees within the fire fuel management zones.</p>
<p>Biological Resources</p>	
<p>Toro Canyon Plan Policy BIO-TC-1: <i>Environmentally Sensitive Habitat (ESH) areas shall be protected and, where appropriate, enhanced.</i></p> <p>Toro Canyon Plan Action BIO-TC-1.1: <i>The following biological resources and habitats, as identified and generally described by the Plan</i></p>	<p>Consistent: The project, as conditioned, is consistent with all applicable policies and regulations pertaining to biological resources. The project site is 12.2 acres consisting of two vacant and undeveloped parcels. The project site consists primarily of non-native annual grassland and highly disturbed coastal sage scrub with Coast Live Oak trees scattered throughout. Small</p>

(see Description of Natural Habitats section beginning on page 103), shall be presumed to be “environmentally sensitive,” provided that the biological resource(s) or habitat(s) actually present on a project site meet the Coastal Act’s definition of “environmentally sensitive habitat” (PRC §30107.5) within the Coastal Zone, or satisfy one or more of the criteria listed in Action BIO-TC-7.1 for inland areas. These resources and habitats shall be identified on the Toro Canyon Plan ESH Map to the extent that their general or specific locations are known, and resources and habitats that qualify as being “environmentally sensitive” shall be protected and preserved on development project sites through the Local Coastal Program’s existing Environmentally Sensitive Habitat (ESH) Overlay within the Coastal Zone or through the new Environmentally Sensitive Habitat Area-Toro Canyon (ESH-TCP) Overlay for inland areas:

- Southern Coast Live Oak Riparian forest corridors;*
- Streams and creeks;*
- Wetlands;*
- Rocky intertidal (coastal zone only);*
- Coastal Sage Scrub;*
- Sensitive native flora;*
- Coast Live Oak forests;*
- Scrub oak chaparral;*
- Native grassland;*
- Critical wildlife habitat/corridors; and*
- Monarch butterfly habitat.*

The scale of the overlay maps precludes complete accuracy in the mapping of habitat areas. In some cases, the precise location of habitat areas is not known and is therefore not mapped. In addition, the migration of species or

patches of native grassland, totaling approximately 0.05 acres, exist outside of the proposed envelopes on Lot 2. Based on biological surveys, no sensitive plant species or Environmentally Sensitive Habitat (ESH) exist within the proposed envelopes. Therefore, grading and construction associated with future residential development would not be expected to impact the ESH. However, ESH exists within the proposed Fire Fuel Management Zone (FFMZ). Fire fuel management practices associated with future residential development on Lot 2 could disturb or eliminate at least 420 square feet of Santa Barbara honeysuckle, a species that is classified as rare, threatened, or endangered in California and elsewhere by the California Native Plant Society and California Department of Fish and Wildlife, in the northeastern corner within the 100-foot FFMZ. In addition, fuel management practices that are indiscriminately applied within the FFMZ on Lot 1 and Lot 2 could impact disturbed coastal sage scrub within a 0.68-acre area, and up to 2,110 square feet (0.05 acres) of native needle grass. Mitigation measures such as mapping species occurrence on plans (Attachment B-1, Condition 7), limiting work areas (Attachment B-1, Condition 8), avoiding species during Fire Fuel Management activities (Attachment B-1, Condition 9), delineating the FFMZs with permanent markers in the field (Attachment B-1, Condition 10), implementation of a Fire Fuel Management and Habitat Improvement Plan (Attachment B-1, Condition 11), and a native landscaping plan (Attachment B-1, Condition 12) would be incorporated into the project to ensure environmentally sensitive habitat is protected now and during future residential development.

discovery of new habitats may result in the designation of new areas. In order to address these issues, the County shall periodically update the boundaries of the designations in order to incorporate new data through the County rezone process.

Toro Canyon Plan DevStd BIO-TC-1.4:

Development shall be required to include the following buffer areas from the boundaries of Environmentally Sensitive Habitat (ESH):

- Southern Coast Live Oak Riparian Forest corridors - 100 feet in Rural areas and 50 feet in Urban, Inner-Rural areas, and Existing Developed Rural Neighborhoods (EDRNs), as measured from the top of creek bank¹. When this habitat extends beyond the top of creek bank, the buffer shall extend an additional 50 feet in Rural areas and 25 feet in Urban, Inner-Rural areas, and EDRNs from the outside edge of the Southern Coast Live Oak Riparian Forest canopy;*
- Coast Live Oak Forests - 25 feet from edge of canopy;*
- Monarch butterfly habitat- minimum 50 feet from any side of the habitat;*
- Native grassland, a minimum ¼ acre in size - 25 feet;*
- Coastal Sage – minimum 20 feet;*
- Scrub oak chaparral – 25 feet from edge of canopy;*
- Wetlands – minimum 100 feet; and*
- Buffer areas from other types of ESH shall be determined on a case-by-case basis.*

These buffer areas, except for Monarch butterfly habitat, wetlands and Southern Coast Live Oak Riparian Forests, may be adjusted upward or downward on a case-by-case basis

No special-status wildlife were observed during the site visits but a number of species may occur based on the presence of suitable habitat on-site and known observations in the vicinity of the project site. Construction and/or landscaping associated with future residential development, as well as future fuel management activities, could destroy a large big-eared woodrat (*Neotoma macrotis*) nest located in the southeast corner of Lot 2 outside of the development/ building envelope. The nests of this native mouse provides suitable microhabitat for a number of special-status wildlife species. The following mitigation measures would be incorporated into the project and on future development permits to ensure native wildlife species are protected during construction of future residential development: a pre-construction survey (Attachment B-1, Condition 15), a tree survey (Attachment B-1, Condition 14), and fencing of a woodrat nest (Attachment B-1, Condition 13). With implementation of these measures, the project would be consistent with these policies.

given site specific conditions. Adjustment of the buffer shall be based upon site-specific conditions such as slopes, biological resources, and erosion potential, as evaluated and determined by Planning and Development and other County agencies, such as Environmental Health Services and the Flood Control District.

Adjustment of the Southern Coast Live Oak Riparian Forest buffer areas shall be based upon an investigation of the following factors and after consultation with the Department of Fish & Game and the Regional Water Quality Control Board in order to protect the biological productivity and water quality of streams, creeks and wetlands:

- 1. Existing vegetation, soil type and stability of the riparian corridors;*
- 2. How surface water filters into the ground;*
- 3. Slope of the land on either side of the riparian waterway;*
- 4. Location of the 100 year flood plain boundary; and*
- 5. Consistency with the adopted Local Coastal Plan or the Comprehensive Plan, particularly the Biological Resources policies.*

In all cases listed above, buffer areas may be adjusted in order to avoid precluding reasonable use of property consistent with applicable law.

Toro Canyon Plan Policy BIO-TC-7:
Development shall avoid ESH and ESH buffer areas to the maximum extent feasible.

Toro Canyon Plan DevStd BIO-TC-7.7:
Vegetation fuel management as required by the local fire protection agency shall be allowed within 100 feet from all structures on the

property. Beyond 100 feet, vegetation fuel management within ESH and the ESH buffer areas to reduce fire hazards shall require a Fuel Management Plan approved by Planning and Development and the local fire protection agency (see Fuel Management Guidelines in Appendix D). P&D may require that the plan be prepared by a qualified biologist to ensure that vegetation clearance/trimming minimizes the impacts to ESH.

Toro Canyon Plan Policy BIO-TC-12:
Significant biological communities not designated ESH should not be fragmented by development into small, non-viable areas.

Toro Canyon Plan Policy BIO-TC-13: *Native protected trees and non-native protected trees shall be preserved to the maximum extent feasible.*

Toro Canyon Plan DevStd BIO-TC-13.1: *A “native protected tree” is at least six inches in diameter (largest diameter for non-round trunks) as measured 4.5 feet above level ground (or as measured on the uphill side where sloped), and a “non-native protected tree” is at least 25 inches in diameter at this height. Areas to be protected from grading, paving, and other disturbances shall generally include the area six feet outside of tree driplines.*

Toro Canyon Plan DevStd BIO-TC-13.2: *Development shall be sited and designed at an appropriate scale (size of main structure footprint, size and number of accessory structures/uses, and total areas of paving,*

Consistent: The project will protect specimen trees in compliance with these Toro Canyon Plan policies. Numerous protected coast live oak trees are located on the subject property. All oaks were observed outside of the proposed building envelopes but within the development envelope and FFMZs. Nine oaks are located within the development envelopes and an additional eight within the FFMZs. Therefore, 17 oaks are subject to possible impact or removal due to landscaping or fire fuel management practices if not properly regulated, though normally individual oak trees are permitted to remain within fuel management areas if properly cleared of dead limbs. Implementation of a Fire Fuel Management and Habitat Improvement Plan (Attachment B-1, Condition 11) would ensure oak trees are protected during and after construction associated with future residential development, consistent with these policies.

<p><i>motorcourts and landscaping) to avoid damage to native protected trees (e.g., oaks), non-native roosting and nesting trees, and non-native protected trees by incorporating buffer areas, clustering, or other appropriate measures. Mature protected trees that have grown into the natural stature particular to the species should receive priority for preservation over other immature, protected trees. Where native protected trees are removed, they shall be replaced in a manner consistent with County standard conditions for tree replacement. Native trees shall be incorporated into site landscaping plans.</i></p>	<p>In addition to the oak trees, there are numerous eucalyptus trees and other ornamental trees that may be used as foraging, roosting, and/or nesting habitat within and in close proximity to the project site. As such, future residential development could impact nesting birds if construction were to occur during the bird nesting season. However, no nests were reported during surveys completed in November 2018, December 2018, and April 2019, but the potential remains for nests to become established in the future. In order to ensure appropriate measures are taken to protect potential nesting habitat, the project has been conditioned (Attachment B-1, Condition No. 14) to require preconstruction nesting surveys in the event future construction within the modified building/development envelopes were to occur during the nesting season, consistent with these policies.</p>
<p>Water Resources</p>	
<p>Toro Canyon Plan Policy WW-TC-2: <i>Pollution of surface, ground and ocean waters shall be avoided. Where avoidance is not feasible, pollution shall be minimized.</i></p>	<p>Consistent: As conditioned, the proposed LLA and RMM is consistent with this policy. The modified building/development envelopes would be larger than the current envelopes and could potentially accommodate additional development. While no development is proposed as part of this project, pollutants and waste associated with future development could potentially drain to Toro Canyon Creek across the street. The proposed residential use of the subject property would not generate considerable amounts of pollutants such as chemicals, fuels, lubricants, raw sewage or other harmful wastes. An equipment storage area would be required during future residential construction (Condition No. 20 of Attachment</p>

	<p>B) to contain spills, and prevent contamination from discharging to the storm drains, street, or drainage ditches. Furthermore, as required by Condition No. 21 of Attachment B, future development would incorporate an equipment washout area to prevent pollutants from discharging to soils, and/or area drains.</p>
<p>Geology</p>	
<p>Land Use Element Hillside and Watershed Protection Policy 1: <i>Plans for development shall minimize cut and fill operations. Plans requiring excessive cutting and filling may be denied if it is determined that the development could be carried out with less alteration of the natural terrain.</i></p>	<p>Consistent: The proposed configuration of the building/development envelopes ensure that future development of the two lots would be consistent with these policies. No development is proposed as part of this project. The proposed modification of the building/development envelopes relegates substantial areas of the parcels where no development is allowed. Both proposed building/development envelopes are configured to avoid slopes in excess of 30%, with the majority of the areas containing slopes of 20% or less. The proposed envelopes are sited such that native coastal sage scrub and native grassland are located outside of envelope boundaries. As mentioned above, 17 oaks are located within the development envelope and FFMZ. The Fire Fuel Management and Habitat Improvement plan ensures that the project would be consistent with these policies by protecting native vegetation and natural landforms during future development. The project has been conditioned to require an erosion and sediment control plan (Attachment B, Condition 17) and revegetate graded areas (Attachment B, Condition 18) as part of future residential development in order to minimize geological hazards.</p>
<p>Land Use Element Hillside and Watershed Protection Policy 2: <i>All developments shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited to development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.</i></p>	
<p>Toro Canyon Plan Policy GEO-TC-1: <i>Hillside and watershed areas shall be protected to the maximum extent feasible to avoid adverse geologic impacts and preserve watershed function.</i></p>	
<p>Toro Canyon Plan DevStd GEO-TC-1.1: <i>Development shall be prohibited on slopes greater than 30% unless this would prevent reasonable use of property. In areas of unstable</i></p>	

<p><i>soils, highly erosive soils, or on slopes between 20% and 30%, development shall not be allowed unless an evaluation by a qualified professional (e.g., soils engineer, geologist, etc.) establishes that the proposed project will not result in unstable slopes or severe erosion, or unless this would prevent reasonable use of property. Grading and other site preparation shall be minimized to the maximum extent feasible.</i></p> <p>Toro Canyon Plan Policy GEO-TC-3: <i>Development shall be sited and designed to minimize the potential for geologic hazards, including but not limited to seismic, soil, or slope hazards.</i></p>	
<p>Cultural Resources</p>	
<p>Toro Canyon Plan Policy HA-TC-1: <i>Archaeological resources shall be protected and preserved to the maximum extent feasible.</i></p>	<p>Consistent: The project is consistent with the cultural resource protection policies of the Toro Canyon Plan. David Stone and Dustin Kay conducted a Phase 1 survey of the subject lots (March 1999) and did not locate any cultural resources. The nearest cultural resource is located approximately 2,500 feet to the south of the subject lots and consists of a low-density artifact concentration and possible temporary campsite. No cultural resources have been identified within or adjacent to the project boundaries. The project is conditioned (Attachment B Condition 16) to stop work and notify P&D if any cultural resources are encountered during construction activities.</p>
<p>Visual Resources</p>	
<p>Toro Canyon Plan Policy VIS-TC-1: <i>Development shall be sited and designed to protect public views.</i></p> <p>Toro Canyon Plan Policy VIS-TC-2: <i>Development shall be sited and designed to be</i></p>	<p>Consistent: The proposed modified building/development envelopes are sited in a location on the property to help ensure that future residential development could be carried out in a manner that is consistent with these policies. No development is proposed as part of</p>

<p><i>compatible with the rural and semi-rural character of the area, minimize impact on open space, and avoid destruction of significant natural resources.</i></p>	<p>this project. Development of the parcels under their current envelope configurations would result in a massing of independent structures on separate lots that would appear as a single large development from public view. The proposed Lot Line Adjustment and Recorded Map Modification would increase the distance between the building/development envelopes of the two lots in order to allow for less concentrated future development that would be compatible with the semi-rural character of the area and enhance public views compared to the current envelope configuration. By separating the building/development envelopes, future development on the separate lots would help to avoid a massing of independent structures, which would help to ensure that future development could be carried out in a manner that is compatible with the semi-rural character of the area and protects public views of the Santa Ynez mountains to the north. As discussed above in the Biological Resources section, the proposed building/development envelope reconfiguration was sited in order to protect environmental resources to the maximum extent feasible, consistent with Toro Canyon policies. Any future development would comply with the mitigation measures involving design, material, and lighting choices (Attachment B-1, Conditions 3-6) including the setback and height requirements of the zone district.</p>
<p>Noise</p>	
<p>Comprehensive Plan – Noise Element Policy 1: <i>In the planning of land use, 65 dB Day-Night Average Sound Level should be regarded as the maximum exterior noise exposure compatible with noise-sensitive uses unless noise mitigation features are included in project designs.</i></p>	<p>Consistent: The proposed project would not create new noise inconsistent with these policies. The parcels are currently vacant and no development is proposed as part of this project. However, future residential development would have the potential to create short-term</p>

<p>Toro Canyon Plan Policy LUG-TC-5: <i>The public shall be protected from noise that could jeopardize health and welfare.</i></p>	<p>construction-related noise impacts in excess of 65dB. Condition No. 19 of Attachment B-1 would require that construction activities be limited to weekdays only between the hours of 8:00AM and 5:00PM. No long-term noise generation is expected with residential use of this property.</p>
<p>Toro Canyon Plan DevStd LUG-TC-5.1: <i>Construction activities within 1,600 feet of residential receptors shall be limited to the hours between 8:00 A.M. and 5:00 P.M., Monday through Friday. Construction equipment maintenance shall be limited to the same hours.</i></p>	

6.3 Zoning: Land Use and Development Code Compliance

6.3.1 Compliance with Land Use and Development Code Requirements

Both legal lots associated with the proposed Lot Line Adjustment are zoned 10-E-1. While the lot lines are proposed to be adjusted, the subject lots would remain the same size of 2 acres and 10.67 acres and would continue to be zoned 10-E-1 (Single Family Residential, minimum parcel size of 10 acres). While Proposed Lot 2 (10.67 acres) is conforming to minimum parcel size and width, Proposed Lot 1 (2 acres) is nonconforming to minimum parcel size and width and would remain legal nonconforming.

The proposed lots would be consistent with the LUDC requirements governing Lot Line Adjustments, which are stated in LUDC Section 35.30.110 (See Administrative Findings in Attachment A).

Pursuant to Section 35.23.020.B of the Land Use and Development Code, the purpose of the E-1 zone district is to *protect the residential characteristics of an area and to promote a suitable environment for family life*. This zone is applied to areas appropriately located for one-family living at a reasonable range of population densities, consistent with sound standards of public health, safety, and welfare. The parcels in their current and proposed configuration would be able to support residential development in compliance with the ordinance.

Pursuant to Table 2-10 in the LUDC, the 10-E-1 zone district requires a front yard setback that is 50 feet from the road centerline and 20 feet from the right-of-way. This Recorded Map Modification would maintain the current 50-foot front setback requirements by siting the envelopes outside of these setback requirements.

The 10-E-1 zone district also requires a 25-foot rear setback and a side setback that is 10% of the lot width, up to 10 feet for parcels two acres or less and up to 20 feet for parcels three acres or more. Lot 1 (2 acres) would have side setbacks of 10 feet and Lot 1 (10.67 acres) would have a side setback of 40 feet. Both parcels would have rear setbacks of 25 feet. The proposed expanded building/development envelope would maintain consistency with the 10-E-1 zone district setback requirements by limiting future development to portions of the site located outside of the required setbacks.

6.3.2 Chapter 21 Subdivision Regulations

Lot Line Adjustment

Pursuant to Section 21-93.a of the Subdivision Regulations, lot line adjustments shall be approved only if all of the required findings can be made. As discussed in the Administrative Findings in Attachment A, the Lot Line Adjustment complies with all applicable requirements and the findings can be made.

Recorded Map Modification

Pursuant to Section 21-15.9(h) of the Subdivision Regulations, modifications to recorded final or parcel maps, lot split plats, or lot line adjustments shall be approved only if all of the required findings can be made. As discussed in the Administrative Findings in Attachment, the Recorded Map Modification complies with all applicable requirements and these findings can be made.

6.4 Subdivision/Development Review Committee

The proposed project was considered by the Subdivision/Development Review Committee on April 4, 2019. The Carpinteria-Summerland Fire Protection District issued a comment letter for the proposed project dated April 29, 2019 requesting future addressing only. This letter is included in Attachment B of this staff report.

7.0 APPEALS PROCEDURE

The action of the Planning Commission may be appealed to the Board of Supervisors within 10 calendar days of said action. The appeal fee to the Board of Supervisors is \$685.06.

ATTACHMENTS

- A. Findings
- B. Conditions of Approval
 - B-1. Conditions of Approval for Case No. 19LLA-00000-00003
 - B-2. Conditions of Approval for Case No. 19RMM-00000-00001
- C. Proposed Final MND
- D. Site Plans

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

1.1 NEGATIVE DECLARATIONS

1.1.1 CONSIDERATION OF THE NEGATIVE DECLARATION AND FULL DISCLOSURE

The County Planning Commission has considered the Mitigated Negative Declaration, 20NGD-00000-00004, together with the comments received and considered during the public review process. The Negative Declaration reflects the independent judgment and analysis of the County Planning Commission and has been completed in compliance with CEQA, and is adequate for this proposal.

1.1.2 FINDING OF NO SIGNIFICANT EFFECT

On the basis of the whole record, including the negative declaration and any comments received, the County Planning Commission finds that through feasible conditions placed upon the project, the significant impacts on the environment have been eliminated or substantially mitigated and on the basis of the whole record (including the initial study and any comments received), there is no substantial evidence that the project will have a significant effect on the environment.

1.1.3 LOCATION OF DOCUMENTS

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Secretary of the Planning Commission of the Planning and Development Department and may be reviewed online at <https://cosantabarbara.app.box.com/s/o9fp2865sykaqn98s0702plaa96xj7t5/folder/107199396874>.

1.1.4 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM

Public Resources Code Section 21081.6 and CEQA Guidelines Section 15074(d) require the County to adopt a reporting or monitoring program for the changes to the project that it has adopted or made a condition of approval in order to avoid or substantially lessen significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the reporting and monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 ADMINISTRATIVE FINDINGS

2.1 LOT LINE ADJUSTMENT FINDINGS

Finding required for all Lot Line Adjustments. *In compliance with Section 21-93 of Chapter 21 (Subdivision Regulations) and Section 35.30.110.B of the County LUDC, prior to the approval or conditional approval of an application for a Lot Line Adjustment the review authority shall first make all of the following findings:*

2.1.1 *The Lot Line Adjustment is in conformity with the County General Plan and purposes and policies of Chapter 35 of this Code, the Zoning Ordinance of the County of Santa Barbara.*

The Planning Commission finds that, as discussed in Section 6.2 of this staff report, dated May 14, 2020, and incorporated herein for reference, the proposed project is consistent with the Comprehensive Plan, including the Toro Canyon Plan, and County Land Use and Development Code.

2.1.2 *No parcel involved in the Lot Line Adjustment that conforms to the minimum parcel size of the zone district in which it is located shall become nonconforming as to parcel size as a result of the Lot Line Adjustment.*

The Planning Commission finds that no parcel involved in the Lot Line Adjustment that conforms to the minimum parcel size will become nonconforming as a result of the Lot Line Adjustment. The subject lots are zoned 10-E-1 which has a minimum parcel size of 10 acres. Lot 1 is 2 acres and Lot 2 is 10.67 acres and both will remain the same size as a result of the Lot Line Adjustment. Lot 2 is conforming to the minimum parcel size of the zone district and Lot 1 is nonconforming. Since both lots will remain the same size and Lot 1 is already nonconforming, neither parcel involved will become nonconforming in regards to size as a result of this Lot Line Adjustment.

2.1.3 *Except as provided herein, all parcels resulting from the Lot Line Adjustment shall meet the minimum parcel size requirement of the zone district in which the parcel is located. A Lot Line Adjustment may be approved that results in nonconforming (as to size) parcels provided that it complies with Subsection a. or b. listed below:*

a. The Lot Line Adjustment satisfies all of the following requirements:

- (1) Four or fewer existing parcels are involved in the adjustment; and*
- (2) The Lot Line Adjustment shall not result in increased subdivision potential for any affected parcel; and,*
- (3) The Lot Line Adjustment shall not result in a greater number of residential developable parcels than existed prior to the adjustment. For the purposes of this subsection only, a parcel shall not be deemed residentially developable if the documents reflecting its approval and/or*

creation identify that: 1) the parcel is not a building site, or 2) the parcel is designated for a non-residential purpose including, but not limited to, well sites, reservoirs and roads. A parcel shall be deemed residentially developable for the purposes of this subsection if it has an existing single family dwelling constructed pursuant to a valid County permit.

b. Otherwise, to be deemed a residentially developable parcel for the purposes of this subsection only, existing and proposed parcels shall satisfy all of the following criteria as set forth in the County Comprehensive Plan and zoning and building ordinances:

*(1) **Water supply.** The parcel shall have adequate water resources to serve the estimated interior and exterior needs for residential development as follows: 1) a letter of service from the appropriate district or company shall document that adequate water service is available to the parcel and that such service is in compliance with the Company's Domestic Water Supply Permit; or 2) a County approved onsite or offsite well or shared water system serving the parcel that meets the applicable water well requirements of the County Environmental Health Services.*

*(2) **Sewage disposal.** The parcel is served by a public sewer system and a letter of available service can be obtained from the appropriate public sewer district. A parcel to be served by a private sewage disposal (septic) system shall meet all applicable County requirements for permitting and installation, including percolation tests, as determined by Environmental Health Services.*

*(3) **Access.** The parcel is currently served by an existing private road meeting applicable fire agency roadway standards that connects to a public road or right-of-way easement, or can establish legal access to a public road or right-of-way easement meeting applicable fire agency roadway standards.*

*(4) **Slope stability.** Development of the parcel including infrastructure avoids slopes of 30 percent and greater.*

*(5) **Agriculture viability.** Development of the parcel shall not threaten or impair agricultural viability on productive agriculture lands within or adjacent to the property.*

*(6) **Environmentally sensitive habitat.** Development of the parcel avoids or minimizes impacts where appropriate to environmentally sensitive habitat and buffer areas, and riparian corridor and buffer areas.*

*(7) **Hazards.** Development of the parcel shall not result in a hazard to life and property. Potential hazards include, but are not limited to flood, geologic and fire.*

*(8) **Consistency with Comprehensive Plan and Development Code.** Development of the parcel is consistent with the setback, lot coverage and parking requirements of the zoning ordinance and consistent with the Comprehensive Plan and the public health, safety and welfare of the community.*

(9) To provide notification to existing and subsequent property owners when a finding is made that the parcel(s) is deemed not to be residentially developable, a statement of this finding shall be recorded concurrently with the deed of the parcel, pursuant to Section 21-92 (Procedures) of Chapter 21 of the Santa Barbara County Code.

The Planning Commission finds that the Lot Line Adjustment involves fewer than four parcels, would not increase the subdivision potential of either parcel, and does not result in an increase in the number of residentially developable parcels. As discussed in Finding 2.1.2 above, the lots involved in this Lot Line Adjustment are 2.0 and 10.67 acres, respectively, and would remain the same size as a result of this project. Lot 2 is conforming to the minimum parcel size of the zone district and Lot 1 is an existing nonconforming parcel. Neither parcel involved will become newly nonconforming in regards to size as a result of this Lot Line Adjustment. While the Lot Line Adjustment involves a nonconforming parcel due to the minimum size requirements of the 10-E-1 zone district, a new parcel is not being created since the parcel in its current configuration already exists and is capable of being developed for residential development. As discussed in Section 6.2 of this staff report, dated May 14, 2020, and incorporated herein by reference, both lots in their current and proposed configurations have adequate services, including access, have developable areas avoiding slopes greater than 30%, are not zoned for agriculture, avoid areas designated as ESH, and are compliant with the Toro Canyon Plan, Comprehensive Plan, and County Land Use and Development Code. Thus, the proposed Lot Line Adjustment would not increase the number of residentially developable parcels.

2.1.4 *The Lot Line Adjustment will not increase any violation of parcel width, setback, lot coverage, parking or other similar requirement of the applicable zone district or make an existing violation more onerous.*

The Planning Commission finds that as discussed in Section 6.3 of this staff report, dated May 14, 2020, and incorporated herein for reference, the proposed project meets the requirements of the Toro Canyon Plan and County Land Use and Development Code. No violations exist on either undeveloped property. The minimum width requirement of a parcel zoned 10-E-1 is 380 feet. Lot 2 fulfills this requirement. Lot 1, which is 2.0 acres and is legal nonconforming to the 10-acre minimum size requirement of the 10-E-1 zone district, is approximately 113 feet wide at its narrowest point and 210 feet at its widest point in its current configuration and therefore does not meet the minimum width requirements. After the Lot Line Adjustment, Lot 1 would be approximately 75 feet wide at its narrowest point and 233 feet wide at its widest point. Since Lot 1 is already nonconforming to the minimum size requirement and minimum width and would not become newly nonconforming as a result of this project, the Lot Line Adjustment would not increase the violation of minimum parcel width.

- 2.1.5** *The subject properties are in compliance with all laws, rules and regulations pertaining to zoning uses, setbacks and any other applicable provisions of this Article or the Lot Line Adjustment has been conditioned to require compliance with such rules and regulations and such zoning violation fees imposed pursuant to applicable law have been paid. This finding shall not be interpreted to impose new requirements on legal non-conforming uses and structures under the respective County Ordinances: Land Use and Development Code (Section 35.101.20 and 35.101.30).*

The Planning Commission finds that, as discussed in Section 6.3 of the Planning Commission staff report dated May 14, 2020, incorporated herein by reference, there are no known zoning violations on the two properties, and the two adjusted parcels resulting from the Lot Line Adjustment would be in compliance with all applicable provisions of the County's Land Division Regulations (Chapter 21) and the applicable zoning ordinance, the Land Use and Development Code.

- 2.1.6** *Conditions have been imposed to facilitate the relocation of existing utilities, infrastructure and easements.*

The Planning Commission finds that conditions imposed to facilitate the relocation of existing utilities, infrastructure, and easements are unnecessary. The parcels are currently vacant. A single family dwelling built in the 1890s was demolished in May 2004. No easements or infrastructure exists on the property.

2.2 **RECORDED MAP MODIFICATION FINDINGS**

2.2.1 *There are changes in circumstances that make any or all of the conditions of such a recorded final or parcel map, lot split plat or lot line adjustment no longer appropriate or necessary;*

The Planning Commission finds that, as discussed in Section 5.4 of this Staff Report, dated May 14, 2020, and incorporated herein by reference, circumstances have changed such that the recorded building and development envelopes are no longer appropriate. As discussed in Section 4.0 of this staff report, dated May 14, 2020, and incorporated herein by reference, the SBAR had concerns about the massing and close proximity of the two parcels and respective building/development envelopes. SBAR supported moving the envelopes away from each other due to the potential cumulative impact of having two residences so close together in a semi-rural area.

The current lot configuration and building/development envelope placement is too close given the semi-rural character of the area. Development as proposed in the current lot and envelope configuration would appear too close together and as potentially one large development. By modifying the lot lines and building/development envelopes, the developable area on each lot would be spaced 50 feet apart from each other compared to less than 20 feet apart in their current configuration. Additionally, the larger envelopes allows future development to be even more spread out and provides greater flexibility for site appropriate design than the current configuration. The changes to the setting and desired density associated with the adoption of the Toro Canyon Plan, as discussed in Section 5.4 of the staff report dated May 14, 2020 and incorporated herein by reference, and the comments from SBAR warrant the proposed modifications to the recorded building and development envelopes.

2.2.2 *The modification does not impose any additional burden on the present fee owner(s) of the property;*

The Planning Commission finds that no additional burden on the present fee owner(s) of the property would occur as a result of the proposed the Recorded Map Modification. The property owner has requested the modification in order to develop the parcels in accordance with prior direction from the SBAR and in conformance with the low-density, semi-rural residential character of the area. Additionally, the proposed modifications to the envelopes would provide for additional developable square footage within the building and development envelopes on the property which would allow future development to be spaced further apart in conformance with the low-density semi-rural character of the area.

2.2.3 *The modifications does not alter any right, interest or title reflected by the recorded final or parcel map, lot split plat or lot line adjustment;*

The Planning Commission finds that the proposed modifications to the recorded building and development envelopes do not alter any right, interest or title reflected in the recorded Parcel Map. The Recorded Map Modification proposes to modify building/development envelopes on two adjacent lots. Lot 1, which is 2.0 acres and currently has building/development envelopes of 0.29 and 0.04 acres, respectively, would have new envelopes of 0.45 and 0.28 acres. Lot 2, which is 10.67 acres and currently has building/development envelopes of 0.37 and 0.12 acres, respectively, would have new envelopes of 0.60 and 0.40 acres. The existing and proposed envelopes are in the same general location on the parcels. Both lots will remain as residential lots with the same general rights and interests, and the envelope modifications would not grant any new rights to the property owner than what already exist with the existing approved Parcel Map.

2.2.4 *The recorded final or parcel map, lot split plat or lot line adjustment as modified conforms to the provisions of Section 66474 of the California Government Code;*

The Planning Commission finds that the proposed project conforms to the provisions of Section 66474 of the California Government Code as stated below:

a. That the proposed map is not consistent with applicable general and specific plans as specified in §66451.

The Planning Commission finds that, as discussed in the Section 6.2 of this staff report, dated May 14, 2020 and incorporated herein by reference, the proposed project is consistent with the County's Comprehensive Plan, including the Toro Canyon Plan as specified in §66451.

b. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

The Planning Commission finds that, as discussed in the Section 6.2 of this staff report, dated May 14, 2020 and incorporated herein by reference, the proposed project is consistent with the County's Comprehensive Plan, including the Toro Canyon Plan. No development is currently proposed as part of the project, but the envelopes are configured to accommodate future development that can be designed consistent with County policies.

c. That the site is not physically suitable for the type of development proposed.

The Planning Commission finds that the site is physically suitable for the type of development proposed. The Recorded Map Modification allows for future development to occur within the modified building/development envelopes.

However, no development is proposed as part of this project and both parcels are currently vacant. The proposed envelopes have been designed to avoid slopes in excess of 30% while the majority of the slopes within the envelopes are less than 20% which would be suitable for potential future development. Additionally, the envelopes are located within areas of the parcels that are primarily dominated by non-native vegetation. As such, the site is physically suitable for future residential development, as accommodated by the modified envelopes.

d. That the site is not physically suited for the proposed density of development.

The Planning Commission finds that the site is physically suited for the proposed density of development. The zone district of the project area is 10-E-1, which allows for one single-family dwelling per ten-acre parcel. The modification of the building/development envelopes on the parcels would not change the density of development, as both lots would remain residentially developable at a density that is suitable for the site.

e. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The Planning Commission finds that, as discussed in the Mitigated Negative Declaration included in Attachment C of the staff report dated May 14, 2020 and incorporated herein by reference, the design of the subdivision and configuration of the building and development envelopes would not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. While environmentally sensitive habitat is present on the subject parcels, no ESH occurs within the proposed building or development envelopes; ESH is only found within the Fire Fuel Management Zones (FFMZs). The mitigation measures identified in the MND and incorporated as conditions of approval of the project (see Attachment B of the staff report dated May 14, 2020 and incorporated herein by reference), including delineating FFMZs (MM Bio-2a) and the Fire Fuel Management and Habitat Restoration Plan (MM Bio-2b) would address methods to protect ESH within the FFMZs during fire fuel management activities.

f. That the design of the subdivision or type of improvements is likely to cause serious public health problems.

The Planning Commission finds that the Recorded Map Modification would not likely cause serious public health problems. Minor modifications to the building and development envelopes on two residentially zoned lots would not cause

serious public health problems. Additionally, no development is proposed as part of this project.

- g. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.***

The Planning Commission finds that there are no public easements located on the subject property. The proposed project will not conflict with easements acquired by the public at large, for access through or use of, property within the proposed reconfigured envelopes.

- 2.2.5** *The recorded final or parcel map, lot split plat or lot line adjustment as modified is consistent with the applicable zoning ordinance;*

The Planning Commission finds that, as discussed in the Section 6.3 of this staff report, dated May 14, 2020 and incorporated herein by reference, the proposed project is consistent with the County Land Use and Development Code.

- 2.2.6** *The property for which the modification is sought is in compliance will all laws, rules and regulations pertaining to zoning uses, subdivisions, height and setbacks, and any other provisions applicable to the property for which the modification is sought, and such enforcement fees as established from time to time by the Board of Supervisors have been paid;*

The Planning Commission finds that property is in compliance with all laws, rules and regulations. The two lots are currently vacant and there are no zoning violations currently recorded against the property. The Recorded Map Modification results in modified building/development envelopes on adjacent parcels that meet the setback requirements for the 10-E-1 zone district, as discussed in Section 6.3 of the staff report, dated May 14, 2020 and incorporated herein by reference. Future development would be required to comply with all requirements for the 10-E-1 zone district.

- 2.2.7** *The recorded final or parcel map or lot line adjustment as modified does not result in an increased number of dwelling units or a greater density than the recorded final or parcel map or lot line adjustment.*

The Planning Commission finds that the Recorded Map Modification would not result in a greater density than Parcel Map 14,534 provided or an increased number of dwelling units since the project only proposes to modify the existing envelopes and does not increase the number of lots. The lots are currently vacant and no development is proposed as part of this project.

ATTACHMENT B-1: CONDITIONS OF APPROVAL

19LLA-00000-00003

1. **Proj Des-01 Project Description.** This Lot Line Adjustment is based upon and limited to compliance with the project description, the approved plans, and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

The proposed project is a request for a Lot Line Adjustment (LLA) & Recorded Map Modification (RMM – 19RMM-00000-00001) to adjust the property lines and modify the building and development envelopes between two lots for future residential development. No structural development is currently proposed. The size of the lots would not change from 2.0 and 10.67 acres but the lot lines and building/development envelopes would change. The building envelopes identify the location of future structures, construction storage and staging, while allowing other uses such as grading, utilities, paving, etc. to occur outside the building envelopes. The development envelopes identify the location of site preparation, ground disturbances and construction activities including those for structures, access, easements, subsurface grading, sewage disposal, and drainage components. No ground disturbance, including grading and development is allowed outside the development envelopes. Lot A, which is 2.0 acres and currently has building/development envelopes of 0.29 and 0.04 acres, respectively, would have new envelopes of 0.45 and 0.28 acres. Lot B, which is 10.67 acres and currently has building/development envelopes of 0.37 and 0.12 acres, respectively, would have new envelopes of 0.60 and 0.40 acres. The existing and proposed envelopes are in the same general location on the parcels and the envelopes have been designed to avoid slopes in excess of 30% while the majority of the slopes within the envelopes are less than 20%. Future development of the lots would be served by the Montecito Water District, private onsite wastewater treatment systems, and the Carpinteria-Summerland Fire Protection District. Access to the site would be provided via Toro Canyon Road via two existing unpaved driveways. The properties involved include a 2-acre lot and a 10.67-acre lot both zoned 10-E-1 and shown as Assessor's Lot Numbers 155-230-017 and -018 located at 785 and 805 Toro Canyon Road, in the Toro Canyon Area, First Supervisorial District.

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

2. **Proj Des-02 Project Conformity.** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

Mitigation Measures from 20NGD-00000-00004

3. **Aest-04 BAR Required.** The Owner/Applicant shall obtain Board of Architectural Review (BAR) approval for project design. All project elements (e.g., design, scale, character, colors, materials and landscaping shall be compatible with vicinity development. **TIMING:** The Owner/Applicant shall submit architectural drawings of future residential development on each lot for review and shall obtain final SBAR approval prior to issuance of applicable Land Use Permits. Grading plans, if required, shall be submitted to P&D concurrent with or prior to SBAR plan filing. **MONITORING:** The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that the project has been built consistent with approved SBAR design and landscape plans prior to Final Building Inspection Clearance.
4. **Aest-06 Building Materials.** Natural building materials and colors compatible with surrounding terrain (earth-tones and non-reflective paints) shall be used on exterior surfaces of all structures, including water tanks and fences. **PLAN REQUIREMENT:** Materials shall be denoted on building plans. **TIMING:** Structures shall be painted prior to Final Building Inspection Clearance. **MONITORING:** P&D compliance monitoring staff shall inspect prior to Final Building Inspection Clearance.
5. **Aest-07 Understories and Retaining Walls.** Understories and retaining walls higher than six (6) feet shall be in tones compatible with surrounding terrain using textured materials or construction methods which create a textured effect. Native vegetation to screen retaining walls shall be planted. **PLAN REQUIREMENTS:** The Owner/Applicant shall submit retaining wall plans and vegetation screening plans to P&D for review and approval. **TIMING:** Plans shall be submitted prior to Issuance of the Land Use Permit; vegetation shall be installed prior to Final Building Inspection Clearance. **MONITORING:** P&D compliance monitoring staff shall check plans and ensure installation prior to Final Building Inspection Clearance.
6. **Aest-10 Lighting.** The Owner/Applicant shall ensure any exterior night lighting installed on the project site is of low intensity, low glare design, minimum height, and shall be hooded to direct light downward onto the subject lot and prevent spill-over onto adjacent lots. The Owner/Applicant shall install timers or otherwise ensure lights are dimmed after 10 p.m. **PLAN REQUIREMENTS:** The Owner/Applicant shall develop a Lighting Plan for SBAR approval incorporating these requirements and showing locations and height of all exterior lighting fixtures with arrows showing the direction of light being cast by each fixture. **TIMING:** Lighting shall be installed in compliance with this measure prior to Final Building Inspection Clearance. **MONITORING:** P&D and/or BAR shall review a Lighting Plan for compliance with this measure prior to approval of a Land Use Permit for structures. P&D Permit Compliance staff shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan.
7. **MM Bio-1a Map Species Occurrence on Construction Plans:** The location and extent of Santa Barbara honeysuckle plants shall be shown on all construction and landscaping plans and flagged for avoidance during construction and landscaping associated with future residential development. **PLAN REQUIREMENTS:** This measure shall be noted on all

grading and building plans associated with future residential development. **TIMING:** Lots shall be resurveyed and location and extent of Santa Barbara honeysuckle shall be identified on all grading and landscape plans submitted to P&D associated with future residential development and shall be flagged prior to the pre-construction meeting. **MONITORING:** P&D processing planner shall ensure these areas are depicted on plans submitted to P&D prior to Land Use Permit approval. Permit Compliance staff and Grading and Building inspectors shall monitor throughout construction to ensure compliance and respond to complaints.

8. **MM BIO-1b Delimit Work Areas:** The limits of the Development Envelope and the 100-foot Fire Fuel Management Zone (FFMZ) around the Development Envelope shall be fenced with orange construction fencing prior to any ground disturbance. **PLAN REQUIREMENTS:** These limits shall be graphically depicted on all grading and building plans submitted to P&D for Land Use Permit approval for future residential development. **TIMING:** Fencing shall be installed prior to the pre-construction meeting. **MONITORING:** P&D processing planner shall ensure limits are depicted on plans prior to Land Use Permit approval. Permit Compliance staff and Grading and Building inspectors shall monitor throughout construction to ensure fencing remains in place.
9. **MM Bio-1c Species Avoidance During Fire Fuel Management Activities:** Because Santa Barbara honeysuckle patches are discrete and not distributed throughout the FFMZ on Lot 2, fire fuel management practices shall avoid removing this species. Santa Barbara honeysuckle stands shall be permanently staked or fenced for avoidance during vegetation management. **PLAN REQUIREMENTS:** Limits of 100-foot FFMZ shall be depicted on all plans submitted to P&D for Land Use Permit approval for future residential development. **TIMING:** Limits of 100-foot FFMZ shall be staked with rebar or other permanent markers in the field prior to the pre-construction meeting. **MONITORING:** Permit Compliance staff and Grading and Building inspectors shall monitor throughout construction to ensure Santa Barbara honeysuckle stands are permanently staked or fenced.
10. **MM Bio-2a Delineate FFMZs:** Prior to Land Use Permit issuance, the limits of the 100-foot fire fuel management zone on both lots shall be permanently marked with rebar or other metal stakes to delineate the zone during future fire fuel management activities. **PLAN REQUIREMENTS:** Limits of 100-foot FFMZ shall be depicted on all plans submitted to P&D for Land Use Permit approval for future residential development. **TIMING:** Limits of 100-foot FFMZ shall be staked with rebar or other permanent markers in the field prior to the pre-construction meeting. **MONITORING:** Permit Compliance staff and Grading and Building inspectors shall monitor throughout fire fuel management activities.
11. **MM Bio-2b Fire Fuel Management and Habitat Improvement Plan:** Prior to Land Use Permit Issuance, a qualified biologist shall prepare a Fire Fuel Management and Habitat Improvement Plan that specifically addresses the methods to be used to protect ESH (coastal sage scrub habitat, Santa Barbara honeysuckle, and native grassland) within the FFMZ during fire fuel management operations. The Plan shall address how native vegetation within the FFMZs on both lots will be modified, methods and measures to be implemented to selectively remove and control the spread of invasive, non-native grasses and shrubs, and

selective removal of dead and dying non-native trees. Plan goals shall balance maximizing habitat values with fire safety.

The Plan shall include procedures for improving the quality of coastal sage scrub habitat by removal and control of non-native grasses and shrubs and selective removal of dead and dying eucalyptus and other non-native trees. Non-native vegetation shall be controlled so that native shrubs and trees can naturally recolonize these areas. The Plan shall contain the following elements:

Specific recommendations on how to manage native vegetation within the 0-35 foot, 35-70 foot, and 70-100 foot fire fuel management zones. Vegetation management should balance fire safety with maintaining habitat quality for native plants and wildlife.

Specific recommendations for the removal and control of eucalyptus trees in coastal sage scrub both within and outside of the FFMZs on both lots. Removal of these invasive, non-native species will greatly enhance native habitat quality. Eucalyptus should be cut at ground level and the stumps left in place to avoid unnecessary soil disturbance. Eucalyptus trunks should be scattered on-site to stabilize soils on steep slopes and to create valuable microhabitat for wildlife.

Eucalyptus duff should be removed by hand (e.g. raking) in order to create sites where native coastal sage scrub shrubs and native trees (e.g. coast live oak) can re-colonize. These cleared areas should be monitored to eradicate and control invasive, non-native herbaceous vegetation.

A qualified biologist should survey eucalyptus and other non-native trees to be removed for nesting birds, per standards developed by the California Department of Fish and Wildlife.

Dead or dying coast live oaks that do not present a safety hazard should be left in place as nesting and roosting habitat for a variety of birds.

The Plan should avoid unnecessarily degrading the occurrence or density of native grasses on any lot. Specifically, native grasses in the 0-30 ft zone and 30-100 ft zone should be mowed or weed-whipped, so that the root masses are not disturbed. Mowing or weed-whipping should only occur after the native grasses have set seed. Seed heads should be left on the ground to germinate.

The Plan shall include a 5 year maintenance and monitoring period as well as success criteria.

PLAN REQUIREMENTS AND TIMING: The Fire Fuel Management Plan shall be prepared and submitted to P&D and Carpinteria-Summerland Fire Protection District for review and approval prior to Land Use Permit Issuance. A Notice to Property Owner shall be recorded on each lot that includes the approved Fire Fuel Management Plan. The Plan shall be implemented consistent with the approved maintenance schedule and beginning with construction of initial infrastructure improvements or individual lot development, whichever occurs first. **MONITORING:** Permit Compliance staff shall site inspect to confirm compliance following the first year's fuel clearance activities. For years 2 through 5, conformance with the Fire Fuel Management Plan shall be demonstrated through the submittal of annual photo documentation by the Owner/Applicant or site visits as

necessary at the discretion of the Permit Compliance staff. Compliance with the Fire Fuel Management Plan shall be for the life of the project.

12. **MM Bio-2c Landscaping Species:** Landscaping plans shall use native, locally-occurring species where feasible. **PLAN REQUIREMENTS:** Prior to issuance of the Land Use Permit, a qualified biologist or certified landscape architect shall review the proposed species palette on all landscaping plans to ensure that native, locally-occurring species are incorporated into the landscaping plan and that the planting palettes do not include invasive, non-native species. **TIMING:** Landscaping plans shall be reviewed and approved by P&D and BAR, if applicable, prior to Land Use Permit Issuance. **MONITORING:** Permit Compliance staff shall ensure landscape plantings are installed according to plans prior to Final Building Inspection Clearance.
13. **MM-Bio-3 Woodrat Nest:** Construction and/or landscaping could destroy a large woodrat nest located in the southeast corner of Lot 2. The nests of this native mouse provides suitable microhabitat for a number of special-status wildlife species. If the nest can be avoided, it shall be surrounded with orange construction fencing for the duration of construction and landscaping under the supervision of a qualified biologist. If not, a qualified biologist shall be retained to dismantle the nest and capture and relocate all inhabitants to suitable habitat nearby. **PLAN REQUIREMENTS:** Woodrat nest and pre-construction fencing shall be delineated on all plans. **TIMING:** A County-approved biologist shall conduct a pre-construction survey of both lots no more than one week prior to the pre-construction meeting to assess the woodrat nest and determine if construction fencing is required prior to any construction activities. **MONITORING:** Permit Compliance staff shall meet with the biologist at the pre-construction meeting and/or review construction fencing if required.
14. **MM Bio-4a Tree Survey:** To avoid disturbance of nesting and special status birds including raptorial species protected by the Federal Migratory Bird Treaty Act and Sections 3503, 3503.5, and 3513 of the California Fish and Game Code, proposed project activities, including, but not limited to, vegetation removal, ground disturbance, and construction shall occur outside of the bird breeding season (February 1 through August 15). If these activities must begin within the breeding season, then pre-construction surveys shall be conducted. The nesting bird pre-construction survey shall be conducted within the disturbance footprint and a 500-foot buffer as allowable without trespassing on private lands. The survey shall be conducted by a County-qualified biologist familiar with the identification of raptors and special status species known to occur in Santa Barbara County using typical methods. If nests are found, a buffer ranging in size from 25 to 500 feet (25 feet for urban-adapted species such as Anna's hummingbird and California towhee and up to 500 feet for certain raptors) depending upon the species, the proposed work activity, and existing disturbances associated with land uses outside of the site, shall be determined and demarcated by the biologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. No ground disturbing activities shall occur within this buffer until the County-qualified biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting birds surveys are not required for construction activities occurring between August 16 and February 1.

PLAN REQUIREMENTS AND TIMING. If construction must begin within the breeding season, then the pre-construction survey shall be conducted no more than one week prior to commencing vegetation removal, grading, or construction activities. Active nests shall be monitored at a minimum of once per week until it has been determined that the nest is no longer being used by either the young or adults. Bird survey results shall be submitted to P&D for review and approval prior to commencing grading or construction activities. These requirements would be applied to initial infrastructure improvements as well as individual lot development.

MONITORING: P&D shall be given the name and contact information for the biologist prior to initiation of the pre-construction survey. Permit Compliance and P&D staff shall verify compliance in the field and perform site inspections throughout the grading and construction. P&D staff shall review the survey report(s) prior to commencement of grading.

15. **MM Bio-4b Pre-Construction Survey:** A qualified biologist shall conduct a pre-construction survey of both lots no more than one week prior to initial vegetation grubbing and shall monitor initial grubbing and grading to salvage wildlife disturbed by this activity. **PLAN REQUIREMENTS:** This requirement shall be printed on all plans. **TIMING:** A County-approved biologist shall survey the lots no more than one week prior to initial vegetation grubbing and the pre-construction meeting. **MONITORING:** The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that a County-approved biologist conducted the survey no more than one week prior to construction commencement. Survey results shall be submitted to P&D compliance monitoring staff prior to the pre-construction meeting.
16. **CulRes-09 Stop Work at Encounter.** The Owner/Applicant and/or their agents, representatives or contractors shall stop or redirect work immediately in the event archaeological remains are encountered during grading, construction, landscaping or other construction-related activity. The Owner/Applicant shall immediately contact P&D staff, and retain a P&D approved archaeologist and Native American representative to evaluate the significance of the find in compliance with the provisions of the County Archaeological Guidelines and conduct appropriate mitigation funded by the Owner/Applicant. **PLAN REQUIREMENTS:** This condition shall be printed on all building and grading plans. **MONITORING:** P&D permit processing planner shall check plans prior to Issuance of Grading or Building Permit and P&D compliance monitoring staff shall spot check in the field throughout grading and construction.
17. **MM Geo-2 Erosion and Sediment Control Plan.** Where required by the latest edition of the California Green Code and/or Chapter 14 of the Santa Barbara County Code, a Storm Water Pollution Prevention Plan (SWPPP), Storm Water Management Plan (SWMP) and/or an Erosion and Sediment Control Plan (ESCP) shall be implemented as part of future residential development. Grading and erosion and sediment control plans shall be designed to minimize erosion during construction and shall be implemented for the duration of the grading period and until re-graded areas have been stabilized by structures, long-term erosion control measures or permanent landscaping. The Owner/Applicant shall submit the SWPPP, SWMP or ESCP) using Best Management Practices (BMP) designed to stabilize the site, protect natural watercourses/creeks, prevent erosion, convey storm water runoff to existing drainage systems keeping contaminants and sediments onsite. The SWPPP or ESCP shall be a part of the Grading Plan submittal and will be reviewed for its

technical merits by P&D. Information on Erosion Control requirements can be found on the County web site re: Grading Ordinance Chapter 14 (<http://sbcountyplanning.org/building/grading.cfm>) refer to Erosion and Sediment Control Plan Requirements; and in the California Green Code for SWPPP (projects < 1 acre) and/or SWMP requirements. **PLAN REQUIREMENTS:** The grading and SWPPP, SWMP and/or ESCP shall be submitted for review and approved by P&D prior to approval of land use clearances. The plan shall be designed to address erosion, sediment and pollution control during all phases of development of the site until all disturbed areas are permanently stabilized. **TIMING:** The SWPPP requirements shall be implemented prior to the commencement of grading and throughout the year. The ESCP/SWMP requirements shall be implemented between November 1st and April 15th of each year, except pollution control measures shall be implemented year round. **MONITORING:** P&D staff shall perform site inspections throughout the construction phase.

18. **MM Geo-3 WatConv-03 Erosion and Sediment Control Revegetation.** The Owner/Applicant shall re-vegetate graded areas upon within 30 days of completion of grading activities with deep rooted, native, drought-tolerant species to minimize slope failure and erosion potential. Use hydroseed, straw blankets, other geotextile binding fabrics or other P&D approved methods as necessary to hold slope soils until vegetation is established. P&D may require the reseeded of surfaces graded for the placement of structures if construction does not commence within 30 days of grading. **PLAN REQUIREMENTS:** Include this measure as a note on all grading and building plans. **TIMING:** The Owner/Applicant shall re-vegetate graded areas within 30 days of completion of grading activities. **MONITORING:** The Owner/Applicant shall demonstrate compliance to grading and building inspectors in the field.
19. **Noise-02 Construction Hours.** The Owner /Applicant, including all contractors and subcontractors shall limit construction activity, including equipment maintenance and site preparation, to the hours between 8:00 a.m. and 5:00 p.m. Monday through Friday. No construction shall occur on weekends or State holidays. Non-noise generating interior construction activities such as plumbing, electrical, drywall and painting (which does not include the use of compressors, tile saws, or other noise-generating equipment) are not subject to these restrictions. Any subsequent amendment to the Comprehensive General Plan, applicable Community or Specific Plan, or Zoning Code noise standard upon which these construction hours are based shall supersede the hours stated herein. **PLAN REQUIREMENTS:** The Owner/Applicant shall provide and post a sign stating these restrictions at all construction site entries. **TIMING:** Signs shall be posted prior to commencement of construction and maintained throughout construction. **MONITORING:** The Owner/Applicant shall demonstrate that required signs are posted prior to grading/building permit issuance and pre-construction meeting. Building inspectors and permit compliance staff shall spot check and respond to complaints.
20. **MM Wat-1 WatConv-04 Equipment Storage-Construction.** The Owner/Applicant shall designate a construction equipment filling and storage area(s) within the designated development/building envelope to contain spills, facilitate clean-up and proper disposal and prevent contamination from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. The areas shall be no larger than 50 x 50 foot unless otherwise approved by P&D and shall be located at least 100 feet from any storm drain, waterbody

or sensitive biological resources. **PLAN REQUIREMENTS:** The Owner/Applicant shall designate the P&D approved location on all permits. **TIMING:** The Owner/Applicant shall install the area prior to commencement of construction. **MONITORING:** P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.

21. **MM Wat-2 WatConv-05 Equipment Washout-Construction.** The Owner/Applicant shall designate a washout area(s) for the washing of concrete trucks, paint, equipment, or similar activities to prevent wash water from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. Note that polluted water and materials shall be contained in this area and removed from the site as needed. The area shall be located at least 100 feet from any storm drain, waterbody or sensitive biological resources. **PLAN REQUIREMENTS:** The Owner/Applicant shall designate the P&D approved location on all permits. **TIMING:** The Owner/Applicant shall install the area prior to commencement of construction. **MONITORING:** P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.

Lot Line Adjustment Conditions

22. **Map-01 Maps-Info.** Prior to recordation of the Lot Line Adjustment and subject to P&D approval as to form and content, the Owner/Applicant shall include all of the mitigation measures, conditions, agreements and specific plans associated with or required by this project approval on a separate informational sheet(s) to be recorded with the Lot Line Adjustment. All applicable conditions and mitigation measures of the project shall be printed on grading and/or building plans and shall be graphically illustrated where feasible.
23. **Map-04 TPM, TM, LLA Submittals.** Prior to recordation of the Lot Line Adjustment, the Owner/Applicant shall submit a Lot Line Adjustment Map prepared by a licensed land surveyor or Registered Civil Engineer to the County Surveyor. The Map shall conform to all approved exhibits, the project description and conditions of approval as well as all applicable Chapter 21-Land Division requirements, as well as applicable project components required as part of recorded project conditions.
24. **Map-15 LLA-Deed Recordation.** The following language shall be included on the deeds used to finalize the Lot Line Adjustment: "This deed or document arises from the Lot Line Adjustment 19LLA-00000-00003 and defines a single parcel within the meaning of California Civil Code Section 1093 among two legal parcels created by 19LLA-00000-00003." The County Surveyor shall determine the appropriate documents necessary to record with the deeds.

Project Specific Conditions

25. If the construction site is graded and left undeveloped for over four weeks, the applicants shall employ the following methods immediately to inhibit dust generation:
 - a. seeding and watering to revegetate graded areas; and/or
 - b. spreading of soil binders; and/or
 - c. any other methods deemed appropriate by Planning and Development.

Plan Requirements: These requirements shall be noted on all plans. **Timing:** Plans are required prior to approval of Land Use Permits. **Monitoring:** Grading Inspector shall perform periodic site inspections.

26. Dust generated by development activities shall be kept to a minimum with a goal of retaining dust on the site, by following the dust control measures listed below:
- a. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems are to be used to prevent dust from leaving the site and to create a crust after each day's activities cease.
 - b. During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour.
 - c. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.

Plan Requirements: All requirements shall be shown on grading and building plans.

Timing: Condition shall be adhered to throughout all grading and construction periods.

Monitoring: P&D shall ensure measures are on plans. P&D Grading and Building inspectors shall spot check; Grading and Building shall ensure compliance on-site.

APCD inspectors shall respond to nuisance complaints.

County Rules and Regulations

27. **Rules-05 Acceptance of Conditions.** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
28. **Rules-19 Maps/LLA Revisions.** If the unrecorded Lot Line Adjustment to Parcel Map 14,534 is proposed to be revised, including revisions to the conditions of approval, the revisions shall be approved in the same manner as the originally approved Parcel Map.
29. **Rules-23 Processing Fees Required.** Prior to recordation, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
30. **Rules-29 Other Dept Conditions.** Compliance with Departmental/Division letters required as follows:
1. Carpinteria-Summerland Fire Protection District dated April 29, 2019.
31. **Rules-33 Indemnity and Separation.** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project.

32. **Rules-36 Map/LLA Expiration.** This Lot Line Adjustment shall expire three years after approval by the final county review authority unless otherwise provided in the Subdivision Map Act and Chapter 21 of the Santa Barbara County Code.

ATTACHMENT B-2: CONDITIONS OF APPROVAL

19RMM-00000-00001

1. **Proj Des-01 Project Description.** This Recorded Map Modification is based upon and limited to compliance with the project description, the approved plans, and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

The proposed project is a request for a Lot Line Adjustment (LLA – 19LLA-00000-00003) & Recorded Map Modification (RMM) to adjust the property lines and modify the building and development envelopes between two lots for future residential development. No structural development is currently proposed. The size of the lots would not change from 2.0 and 10.67 acres but the lot lines and building/development envelopes would change. The building envelopes identify the location of future structures, construction storage and staging, while allowing other uses such as grading, utilities, paving, etc. to occur outside the building envelopes. The development envelopes identify the location of site preparation, ground disturbances and construction activities including those for structures, access, easements, subsurface grading, sewage disposal, and drainage components. No ground disturbance, including grading and development is allowed outside the development envelopes. Lot A, which is 2.0 acres and currently has building/development envelopes of 0.29 and 0.04 acres, respectively, would have new envelopes of 0.45 and 0.28 acres. Lot B, which is 10.67 acres and currently has building/development envelopes of 0.37 and 0.12 acres, respectively, would have new envelopes of 0.60 and 0.40 acres. The existing and proposed envelopes are in the same general location on the parcels and the envelopes have been designed to avoid slopes in excess of 30% while the majority of the slopes within the envelopes are less than 20%. Future development of the lots would be served by the Montecito Water District, private onsite wastewater treatment systems, and the Carpinteria-Summerland Fire Protection District. Access to the site would be provided via Toro Canyon Road via two existing unpaved driveways. The properties involved include a 2-acre lot and a 10.67-acre lot both zoned 10-E-1 and shown as Assessor's Lot Numbers 155-230-017 and -018 located at 785 and 805 Toro Canyon Road, in the Toro Canyon Area, First Supervisorial District.

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

2. **Proj Des-02 Project Conformity.** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto.

All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

Mitigation Measures from 20NGD-00000-00004

3. **Aest-04 BAR Required.** The Owner/Applicant shall obtain Board of Architectural Review (BAR) approval for project design. All project elements (e.g., design, scale, character, colors, materials and landscaping shall be compatible with vicinity development. **TIMING:** The Owner/Applicant shall submit architectural drawings of future residential development on each lot for review and shall obtain final SBAR approval prior to issuance of applicable Land Use Permits. Grading plans, if required, shall be submitted to P&D concurrent with or prior to SBAR plan filing. **MONITORING:** The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that the project has been built consistent with approved SBAR design and landscape plans prior to Final Building Inspection Clearance.
4. **Aest-06 Building Materials.** Natural building materials and colors compatible with surrounding terrain (earth-tones and non-reflective paints) shall be used on exterior surfaces of all structures, including water tanks and fences. **PLAN REQUIREMENT:** Materials shall be denoted on building plans. **TIMING:** Structures shall be painted prior to Final Building Inspection Clearance. **MONITORING:** P&D compliance monitoring staff shall inspect prior to Final Building Inspection Clearance.
5. **Aest-07 Understories and Retaining Walls.** Understories and retaining walls higher than six (6) feet shall be in tones compatible with surrounding terrain using textured materials or construction methods which create a textured effect. Native vegetation to screen retaining walls shall be planted. **PLAN REQUIREMENTS:** The Owner/Applicant shall submit retaining wall plans and vegetation screening plans to P&D for review and approval. **TIMING:** Plans shall be submitted prior to Issuance of the Land Use Permit; vegetation shall be installed prior to Final Building Inspection Clearance. **MONITORING:** P&D compliance monitoring staff shall check plans and ensure installation prior to Final Building Inspection Clearance.
6. **Aest-10 Lighting.** The Owner/Applicant shall ensure any exterior night lighting installed on the project site is of low intensity, low glare design, minimum height, and shall be hooded to direct light downward onto the subject lot and prevent spill-over onto adjacent lots. The Owner/Applicant shall install timers or otherwise ensure lights are dimmed after 10 p.m. **PLAN REQUIREMENTS:** The Owner/Applicant shall develop a Lighting Plan for SBAR approval incorporating these requirements and showing locations and height of all exterior lighting fixtures with arrows showing the direction of light being cast by each fixture. **TIMING:** Lighting shall be installed in compliance with this measure prior to Final Building Inspection Clearance. **MONITORING:** P&D and/or BAR shall review a Lighting Plan for compliance with this measure prior to approval of a Land Use Permit for structures. P&D Permit Compliance staff shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan.

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8. **MM BIO-1b Delimit Work Areas:** The limits of the Development Envelope and the 100-foot Fire Fuel Management Zone (FFMZ) around the Development Envelope shall be fenced with orange construction fencing prior to any ground disturbance. **PLAN REQUIREMENTS:** These limits shall be graphically depicted on all grading and building plans submitted to P&D for Land Use Permit approval for future residential development. **TIMING:** Fencing shall be installed prior to the pre-construction meeting. **MONITORING:** P&D processing planner shall ensure limits are depicted on plans prior to Land Use Permit approval. Permit Compliance staff and Grading and Building inspectors shall monitor throughout construction to ensure fencing remains in place.

9. **MM Bio-1c Species Avoidance During Fire Fuel Management Activities:** Because Santa Barbara honeysuckle patches are discrete and not distributed throughout the FFMZ on Lot 2, fire fuel management practices shall avoid removing this species. Santa Barbara honeysuckle stands shall be permanently staked or fenced for avoidance during vegetation management. **PLAN REQUIREMENTS:** Limits of 100-foot FFMZ shall be depicted on all plans submitted to P&D for Land Use Permit approval for future residential development. **TIMING:** Limits of 100-foot FFMZ shall be staked with rebar or other permanent markers in the field prior to the pre-construction meeting. **MONITORING:** Permit Compliance staff and Grading and Building inspectors shall monitor throughout construction to ensure Santa Barbara honeysuckle stands are permanently staked or fenced.

10. **MM Bio-2a Delineate FFMZs:** Prior to Land Use Permit issuance, the limits of the 100-foot fire fuel management zone on both lots shall be permanently marked with rebar or other metal stakes to delineate the zone during future fire fuel management activities. **PLAN REQUIREMENTS:** Limits of 100-foot FFMZ shall be depicted on all plans submitted to P&D for Land Use Permit approval for future residential development. **TIMING:** Limits of 100-foot FFMZ shall be staked with rebar or other permanent markers in the field prior to the pre-construction meeting. **MONITORING:** Permit Compliance staff and Grading and Building inspectors shall monitor throughout fire fuel management activities.

11. **MM Bio-2b Fire Fuel Management and Habitat Improvement Plan:** Prior to Land Use Permit Issuance, a qualified biologist shall prepare a Fire Fuel Management and Habitat Improvement Plan that specifically addresses the methods to be used to protect ESH (coastal sage scrub habitat, Santa Barbara honeysuckle, and native grassland) within the FFMZ

during fire fuel management operations. The Plan shall address how native vegetation within the FFMZs on both lots will be modified, methods and measures to be implemented to selectively remove and control the spread of invasive, non-native grasses and shrubs, and selective removal of dead and dying non-native trees. Plan goals shall balance maximizing habitat values with fire safety.

The Plan shall include procedures for improving the quality of coastal sage scrub habitat by removal and control of non-native grasses and shrubs and selective removal of dead and dying eucalyptus and other non-native trees. Non-native vegetation shall be controlled so that native shrubs and trees can naturally recolonize these areas. The Plan shall contain the following elements:

Specific recommendations on how to manage native vegetation within the 0-35 foot, 35-70 foot, and 70-100 foot fire fuel management zones. Vegetation management should balance fire safety with maintaining habitat quality for native plants and wildlife.

Specific recommendations for the removal and control of eucalyptus trees in coastal sage scrub both within and outside of the FFMZs on both lots. Removal of these invasive, non-native species will greatly enhance native habitat quality. Eucalyptus should be cut at ground level and the stumps left in place to avoid unnecessary soil disturbance. Eucalyptus trunks should be scattered on-site to stabilize soils on steep slopes and to create valuable microhabitat for wildlife.

Eucalyptus duff should be removed by hand (e.g. raking) in order to create sites where native coastal sage scrub shrubs and native trees (e.g. coast live oak) can re-colonize. These cleared areas should be monitored to eradicate and control invasive, non-native herbaceous vegetation.

A qualified biologist should survey eucalyptus and other non-native trees to be removed for nesting birds, per standards developed by the California Department of Fish and Wildlife.

Dead or dying coast live oaks that do not present a safety hazard should be left in place as nesting and roosting habitat for a variety of birds.

The Plan should avoid unnecessarily degrading the occurrence or density of native grasses on any lot. Specifically, native grasses in the 0-30 ft zone and 30-100 ft zone should be mowed or weed-whipped, so that the root masses are not disturbed. Mowing or weed-whipping should only occur after the native grasses have set seed. Seed heads should be left on the ground to germinate.

The Plan shall include a 5 year maintenance and monitoring period as well as success criteria.

PLAN REQUIREMENTS AND TIMING: The Fire Fuel Management Plan shall be prepared and submitted to P&D and Carpinteria-Summerland Fire Protection District for review and approval prior to Land Use Permit Issuance. A Notice to Property Owner shall be recorded on each lot that includes the approved Fire Fuel Management Plan. The Plan shall be implemented consistent with the approved maintenance schedule and beginning with construction of initial infrastructure improvements or individual lot development, whichever occurs first. **MONITORING:** Permit Compliance staff shall site inspect to confirm compliance following the first year's fuel clearance activities. For years 2 through 5, conformance with the Fire Fuel Management Plan shall be demonstrated through the submittal of annual photo documentation by the Owner/Applicant or site visits as

necessary at the discretion of the Permit Compliance staff. Compliance with the Fire Fuel Management Plan shall be for the life of the project.

12. **MM Bio-2c Landscaping Species:** Landscaping plans shall use native, locally-occurring species where feasible. **PLAN REQUIREMENTS:** Prior to issuance of the Land Use Permit, a qualified biologist or certified landscape architect shall review the proposed species palette on all landscaping plans to ensure that native, locally-occurring species are incorporated into the landscaping plan and that the planting palettes do not include invasive, non-native species. **TIMING:** Landscaping plans shall be reviewed and approved by P&D and BAR, if applicable, prior to Land Use Permit Issuance. **MONITORING:** Permit Compliance staff shall ensure landscape plantings are installed according to plans prior to Final Building Inspection Clearance.

13. **MM-Bio-3 Woodrat Nest:** Construction and/or landscaping could destroy a large woodrat nest located in the southeast corner of Lot 2. The nests of this native mouse provides suitable microhabitat for a number of special-status wildlife species. If the nest can be avoided, it shall be surrounded with orange construction fencing for the duration of construction and landscaping under the supervision of a qualified biologist. If not, a qualified biologist shall be retained to dismantle the nest and capture and relocate all inhabitants to suitable habitat nearby. **PLAN REQUIREMENTS:** Woodrat nest and pre-construction fencing shall be delineated on all plans. **TIMING:** A County-approved biologist shall conduct a pre-construction survey of both lots no more than one week prior to the pre-construction meeting to assess the woodrat nest and determine if construction fencing is required prior to any construction activities. **MONITORING:** Permit Compliance staff shall meet with the biologist at the pre-construction meeting and/or review construction fencing if required.

14. **MM Bio-4a Tree Survey:** To avoid disturbance of nesting and special status birds including raptorial species protected by the Federal Migratory Bird Treaty Act and Sections 3503, 3503.5, and 3513 of the California Fish and Game Code, proposed project activities, including, but not limited to, vegetation removal, ground disturbance, and construction shall occur outside of the bird breeding season (February 1 through August 15). If these activities must begin within the breeding season, then pre-construction surveys shall be conducted. The nesting bird pre-construction survey shall be conducted within the disturbance footprint and a 500-foot buffer as allowable without trespassing on private lands. The survey shall be conducted by a County-qualified biologist familiar with the identification of raptors and special status species known to occur in Santa Barbara County using typical methods. If nests are found, a buffer ranging in size from 25 to 500 feet (25 feet for urban-adapted species such as Anna's hummingbird and California towhee and up to 500 feet for certain raptors) depending upon the species, the proposed work activity, and existing disturbances associated with land uses outside of the site, shall be determined and demarcated by the biologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. No ground disturbing activities shall occur within this buffer until the County-qualified biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting birds

surveys are not required for construction activities occurring between August 16 and February 1.

PLAN REQUIREMENTS AND TIMING. If construction must begin within the breeding season, then the pre-construction survey shall be conducted no more than one week prior to commencing vegetation removal, grading, or construction activities. Active nests shall be monitored at a minimum of once per week until it has been determined that the nest is no longer being used by either the young or adults. Bird survey results shall be submitted to P&D for review and approval prior to commencing grading or construction activities. These requirements would be applied to initial infrastructure improvements as well as individual lot development.

MONITORING: P&D shall be given the name and contact information for the biologist prior to initiation of the pre-construction survey. Permit Compliance and P&D staff shall verify compliance in the field and perform site inspections throughout the grading and construction. P&D staff shall review the survey report(s) prior to commencement of grading.

15. **MM Bio-4b Pre-Construction Survey:** A qualified biologist shall conduct a pre-construction survey of both lots no more than one week prior to initial vegetation grubbing and shall monitor initial grubbing and grading to salvage wildlife disturbed by this activity. **PLAN REQUIREMENTS:** This requirement shall be printed on all plans. **TIMING:** A County-approved biologist shall survey the lots no more than one week prior to initial vegetation grubbing and the pre-construction meeting. **MONITORING:** The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that a County-approved biologist conducted the survey no more than one week prior to construction commencement. Survey results shall be submitted to P&D compliance monitoring staff prior to the pre-construction meeting.
16. **CulRes-09 Stop Work at Encounter.** The Owner/Applicant and/or their agents, representatives or contractors shall stop or redirect work immediately in the event archaeological remains are encountered during grading, construction, landscaping or other construction-related activity. The Owner/Applicant shall immediately contact P&D staff, and retain a P&D approved archaeologist and Native American representative to evaluate the significance of the find in compliance with the provisions of the County Archaeological Guidelines and conduct appropriate mitigation funded by the Owner/Applicant. **PLAN REQUIREMENTS:** This condition shall be printed on all building and grading plans. **MONITORING:** P&D permit processing planner shall check plans prior to Issuance of Grading or Building Permit and P&D compliance monitoring staff shall spot check in the field throughout grading and construction.
17. **MM Geo-2 Erosion and Sediment Control Plan.** Where required by the latest edition of the California Green Code and/or Chapter 14 of the Santa Barbara County Code, a Storm Water Pollution Prevention Plan (SWPPP), Storm Water Management Plan (SWMP) and/or an Erosion and Sediment Control Plan (ESCP) shall be implemented as part of future residential development. Grading and erosion and sediment control plans shall be designed to minimize erosion during construction and shall be implemented for the duration of the grading period and until re-graded areas have been stabilized by structures,

long-term erosion control measures or permanent landscaping. The Owner/Applicant shall submit the SWPPP, SWMP or ESCP) using Best Management Practices (BMP) designed to stabilize the site, protect natural watercourses/creeks, prevent erosion, convey storm water runoff to existing drainage systems keeping contaminants and sediments onsite. The SWPPP or ESCP shall be a part of the Grading Plan submittal and will be reviewed for its technical merits by P&D. Information on Erosion Control requirements can be found on the County web site re: Grading Ordinance Chapter 14 (<http://sbcountyplanning.org/building/grading.cfm>) refer to Erosion and Sediment Control Plan Requirements; and in the California Green Code for SWPPP (projects < 1 acre) and/or SWMP requirements. **PLAN REQUIREMENTS:** The grading and SWPPP, SWMP and/or ESCP shall be submitted for review and approved by P&D prior to approval of land use clearances. The plan shall be designed to address erosion, sediment and pollution control during all phases of development of the site until all disturbed areas are permanently stabilized. **TIMING:** The SWPPP requirements shall be implemented prior to the commencement of grading and throughout the year. The ESCP/SWMP requirements shall be implemented between November 1st and April 15th of each year, except pollution control measures shall be implemented year round. **MONITORING:** P&D staff shall perform site inspections throughout the construction phase.

18. **MM Geo-3 WatConv-03 Erosion and Sediment Control Revegetation.** The Owner/Applicant shall re-vegetate graded areas upon within 30 days of completion of grading activities with deep rooted, native, drought-tolerant species to minimize slope failure and erosion potential. Use hydroseed, straw blankets, other geotextile binding fabrics or other P&D approved methods as necessary to hold slope soils until vegetation is established. P&D may require the reseeded of surfaces graded for the placement of structures if construction does not commence within 30 days of grading. **PLAN REQUIREMENTS:** Include this measure as a note on all grading and building plans. **TIMING:** The Owner/Applicant shall re-vegetate graded areas within 30 days of completion of grading activities. **MONITORING:** The Owner/Applicant shall demonstrate compliance to grading and building inspectors in the field.
19. **Noise-02 Construction Hours.** The Owner /Applicant, including all contractors and subcontractors shall limit construction activity, including equipment maintenance and site preparation, to the hours between 8:00 a.m. and 5:00 p.m. Monday through Friday. No construction shall occur on weekends or State holidays. Non-noise generating interior construction activities such as plumbing, electrical, drywall and painting (which does not include the use of compressors, tile saws, or other noise-generating equipment) are not subject to these restrictions. Any subsequent amendment to the Comprehensive General Plan, applicable Community or Specific Plan, or Zoning Code noise standard upon which these construction hours are based shall supersede the hours stated herein. **PLAN REQUIREMENTS:** The Owner/Applicant shall provide and post a sign stating these restrictions at all construction site entries. **TIMING:** Signs shall be posted prior to commencement of construction and maintained throughout construction. **MONITORING:** The Owner/Applicant shall demonstrate that required signs are posted prior to grading/building permit issuance and pre-construction meeting. Building inspectors and permit compliance staff shall spot check and respond to complaints.

20. **MM Wat-1 WatConv-04 Equipment Storage-Construction.** The Owner/Applicant shall designate a construction equipment filling and storage area(s) within the designated development/building envelope to contain spills, facilitate clean-up and proper disposal and prevent contamination from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. The areas shall be no larger than 50 x 50 foot unless otherwise approved by P&D and shall be located at least 100 feet from any storm drain, waterbody or sensitive biological resources. **PLAN REQUIREMENTS:** The Owner/Applicant shall designate the P&D approved location on all permits. **TIMING:** The Owner/Applicant shall install the area prior to commencement of construction. **MONITORING:** P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.
21. **MM Wat-2 WatConv-05 Equipment Washout-Construction.** The Owner/Applicant shall designate a washout area(s) for the washing of concrete trucks, paint, equipment, or similar activities to prevent wash water from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. Note that polluted water and materials shall be contained in this area and removed from the site as needed. The area shall be located at least 100 feet from any storm drain, waterbody or sensitive biological resources. **PLAN REQUIREMENTS:** The Owner/Applicant shall designate the P&D approved location on all permits. **TIMING:** The Owner/Applicant shall install the area prior to commencement of construction. **MONITORING:** P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.

Recorded Map Modification Conditions

22. **Map-01 Maps-Info.** Prior to recordation of the Recorded Map Modification and subject to P&D approval as to form and content, the Owner/Applicant shall include all of the mitigation measures, conditions, agreements and specific plans associated with or required by this project approval on a separate informational sheet(s) to be recorded with the Parcel Map. All applicable conditions and mitigation measures of the project shall be printed on grading and/or building plans and shall be graphically illustrated where feasible.
23. **Map-04 TPM, TM, LLA Submittals.** Prior to recordation of the Recorded Map Modification, the Owner/Applicant shall submit a Parcel Map prepared by a licensed land surveyor or Registered Civil Engineer to the County Surveyor. The Map shall conform to all approved exhibits, the project description and conditions of approval as well as all applicable Chapter 21-Land Division requirements, as well as applicable project components required as part of recorded project conditions.

Project Specific Conditions

24. If the construction site is graded and left undeveloped for over four weeks, the applicants shall employ the following methods immediately to inhibit dust generation:
 - a. seeding and watering to revegetate graded areas; and/or
 - b. spreading of soil binders; and/or
 - c. any other methods deemed appropriate by Planning and Development.

Plan Requirements: These requirements shall be noted on all plans. **Timing:** Plans are required prior to approval of Land Use Permits. **Monitoring:** Grading Inspector shall perform periodic site inspections.

25. Dust generated by development activities shall be kept to a minimum with a goal of retaining dust on the site, by following the dust control measures listed below:
- d. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems are to be used to prevent dust from leaving the site and to create a crust after each day's activities cease.
 - e. During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour.
 - f. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.

Plan Requirements: All requirements shall be shown on grading and building plans.

Timing: Condition shall be adhered to throughout all grading and construction periods.

Monitoring: P&D shall ensure measures are on plans. P&D Grading and Building inspectors shall spot check; Grading and Building shall ensure compliance on-site. APCD inspectors shall respond to nuisance complaints.

County Rules and Regulations

26. **Rules-05 Acceptance of Conditions.** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
27. **Rules-06 Recorded Map Required.** The Map Modification to Parcel Map 14,534 shall not be final until a 'Certificate of Correction' is filed with the County Surveyor's Office for review and approval and is subsequently recorded with the Santa Barbara County Recorder as directed by the County Surveyor. This shall be completed prior to approval of any permits for development, including grading.
28. **Rules-19 Maps/LLA Revisions.** If the unrecorded Map Modification to Parcel Map 14,534 is proposed to be revised, including revisions to the conditions of approval, the revisions shall be approved in the same manner as the originally approved Parcel Map.
29. **Rules-23 Processing Fees Required.** Prior to recordation, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
30. **Rules-29 Other Dept Conditions.** Compliance with Departmental/Division letters required as follows:
1. Carpinteria-Summerland Fire Protection District dated April 29, 2019.
31. **Rules-33 Indemnity and Separation.** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project.

32. **Rules-36 Map/LLA Expiration.** This Map Modification shall expire three years after approval by the final county review authority unless otherwise provided in the Subdivision Map Act and Chapter 21 of the Santa Barbara County Code.